

**STATE OF MARYLAND  
DEPARTMENT OF AGRICULTURE  
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

ERIC S. PRESSMAN, D.V.M.  
LICENSE NO. 3143

DOCKET NO. 21-64B

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**CONSENT AGREEMENT AND ORDER**

This Consent Agreement and Order ("Consent Agreement"), dated this 30<sup>th</sup> day of March 2022, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Eric S. Pressman, D.V.M. ("Dr. Pressman"), License No. 3143. This Consent Agreement resolves a case arising from a complaint filed with the SBVME in Docket No. 21-64B, alleging that Dr. Pressman did not satisfy the Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 – 2-316 and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17 set forth herein.

On March 25, 2022, Dr. Pressman, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement without formal charges. By signing this agreement, Dr. Pressman agrees to waive his right to formal charges in Docket No. 21-64B and further agrees to the terms and conditions set forth herein.

Under Maryland law, the SBVME is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating the provisions of the Veterinary Practice Act and related COMAR regulations. As part of its authority, the SBVME "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board rules and regulations after receiving a license." Md. Code Ann., Agric. § 2-310(8). The Board may also impose a civil penalty of not more than \$5,000 for a first offense, or \$10,000 for a second or subsequent offense, in lieu of or in addition to suspending or revoking a veterinarian's license, respectively. Agric. § 2-310.1. In setting the amount of

a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and any history of prior violations, as well as the Board's civil penalty standards. Md. Code Ann., State Gov't. § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Eric S. Pressman, D.V.M., License Number 3143, signing and agreeing to this Consent Agreement having had the opportunity to seek the advice of counsel, agrees to the provisions of this Order, acknowledging that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Pressman did not satisfy COMAR 15.14.01.07 (Professional Judgment and Practice) as set forth herein:

1. Dr. Pressman is a veterinarian licensed to practice in Maryland, where he has been licensed since 1987. At the time of the events described herein, Dr. Pressman was the owner and responsible veterinarian at White Plains Animal Hospital, Inc. ("WPAH") (License No. 08-013) located at 10525 Middleport Lane, White Plains, MD 20695. Dr. Pressman received a Censure in 2009 (Docket No. 09-65), related to record keeping.
2. This case involved Fergie, a 5-year-old spayed female Yorkshire terrier owned by Sandra Mirabile ("Ms. Mirabile" or "Owner").
3. On March 20, 2021, Ms. Mirabile took Fergie to Waldorf Emergency Care ("WEC") (License No. 08-00223) for frequent urination for the past three weeks. Fergie was also straining to urinate, not eating, and vomiting. The WEC treating veterinarian performed a physical exam and recommended bloodwork, radiographs, and a urinalysis. Ms. Mirabile consented.
4. According to WEC's medical records, Fergie's abdominal radiographs showed a narrowing of the trachea at the thoracic inlet (collapsing trachea) and numerous stones in her bladder. The attending veterinarian called Ms. Mirabile and recommended a cystotomy. However, Ms. Mirabile declined the recommendation because she preferred to take Fergie to her regular veterinarian, WPAH. The WEC veterinarian prescribed gabapentin for Fergie and she was discharged.

5. On March 22, 2021, Ms. Mirabile took Fergie to WPAH for an exam. According to Ms. Mirabile, she provided WPAH with a copy of Fergie's radiographs that were taken at WEC. Dr. Pressman became Fergie's attending veterinarian at that time.

6. Dr. Pressman performed a physical exam and reviewed the radiographs performed at WEC. These radiographs, which had been performed less than 48 hours prior to Dr. Pressman's physical examination of "Fergie," showed large and numerous uroliths, as well as small uroliths. Dr. Pressman told Ms. Mirabile to bring Fergie back the following day for a cystotomy. He did not take or recommend additional radiographs.

7. Dr. Pressman has communicated to this Board that he did not take or recommend additional radiographs because he did not anticipate that there would be any significant radiographic changes if he had performed additional radiographs. Dr. Pressman has further indicated to the Board that based on his clinical experience and what he has observed about bladder stones in other dogs, he did not anticipate that "Fergie" would have been able to pass all of her stones, including the large stones, by the time he operated on "Fergie" the next day.

8. On March 23, 2021, Ms. Mirabile dropped Fergie off at WPAH for her cystotomy. Dr. Pressman performed the surgery, during which he did not find any bladder stones in Fergie's bladder, only a scant amount of urine. Dr. Pressman took post-operative radiographs of Fergie and there were no stones seen. Dr. Pressman prescribed Fergie amoxicillin and she was discharged from WPAH later that day.

9. Ms. Mirabile filed a complaint with the State Board of Veterinary Medical Examiners (SBVME) alleging that Fergie had unnecessary surgery because no stones were found in the bladder during the cystotomy.

10. The Board opened a case and conducted an investigation, which included obtaining and reviewing the medical records. After considering the evidence presented, the Board concluded that Dr. Pressman did not satisfy COMAR 15.14.01.07A.

11. COMAR 15.14.01.07A (Professional Judgment and Practice) provides that: "[a] veterinarian, when caring for and treating a patient, shall conform to those minimum standards of care and

treatment which are customary among veterinarians in this State.” Dr. Pressman did not satisfy the applicable standard in his care and treatment of Fergie when he did not perform additional radiographs when Fergie came into his care to ascertain the need for the cystotomy. While it was unusual that Fergie passed all of the stones visible in the radiographs taken at WEC in less than 72 hours’ time, passing some of the stones was not unexpected. Dr. Pressman should have taken his own radiographs to verify the number of stones in the bladder before he performed surgery. An accurate count before surgery was necessary to ensure that all stones would be removed. In addition, because the radiographs had been taken at another practice, it is always best for veterinarians to have their own information to guide decisions, especially when surgery is involved.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian’s lack of disciplinary history, his acceptance of responsibility and good faith cooperation in resolving this matter, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

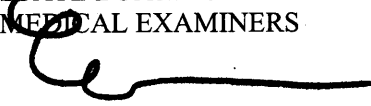
#### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 30<sup>th</sup> day of March, 2022, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For not satisfying COMAR 15.14.01.07 (Professional Judgment and Practice) with respect to the care and treatment provided to Fergie, a 5-year-old spayed female Yorkshire Terrier owned by Sandra Mirabile, Dr. Pressman is assessed a civil penalty of \$300;
- (b) Dr. Pressman shall pay the civil penalty within thirty (30) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture (“MDA”) with the notation “SBVME – 21-64B” sent to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401; and
- (c) This Consent Agreement is a public order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this  
30<sup>th</sup> day of March, 2022.

STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS


  
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Elizabeth Callahan, DVM  
President  
State Board of Veterinary Medical Examiners  
Maryland Department of Agriculture

/NEB

**CONSENT**

I, Eric S. Pressman, D.V.M., acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter to issue and enforce this Consent Agreement. To resolve this matter, I accept and submit to the foregoing Consent Agreement, consisting of 5 pages. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

Date: 29 MARCH 2022

  
Eric S. Pressman, D.V.M.